

SUPREME COURT OF GEORGIA

Williams v. State

301 Ga. 829 (2017) · Decided August 28, 2017

SUMMARY

The Supreme Court of Georgia affirmed Deron Williams’s convictions for malice murder and related offenses. It held that any error in admitting the record of Williams’s first-offender plea was harmless and that his discovery-violation and ineffective-assistance claims did not warrant relief. The court vacated Williams’s recidivist sentence and remanded for resentencing because a first-offender plea is not a conviction for purposes of recidivist sentencing.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Hunstein, Justice; Hines, Chief Justice; Melton, Presiding Justice; Benham, Justice; Nahmias, Justice; Blackwell, Justice; Boggs, Justice; Grant, Justice; Miller, Judge
JURISDICTION	Georgia
DECIDED	August 28, 2017
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Williams appealed his convictions and sentence following a jury trial and the denial of his amended motion for new trial.
STANDARD OF REVIEW	Evidentiary rulings are reviewed for abuse of discretion. Ineffective-assistance claims are reviewed under the deficient-performance and prejudice requirements of Strickland. Unpreserved discovery claims are waived and are not subject to plain-error review under the circumstances presented. Sufficiency is reviewed under the rational-trier-of-fact standard.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion; precedential.
PARTIES	Deron Williams v. State

TOPICS

- criminal procedure
- sentencing
- impeachment
- ineffective assistance
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court improperly admitted the certified record of Williams's first-offender plea as impeachment evidence.
2. Whether the State's alleged failure to provide written medical-examiner opinions required a new trial despite Williams's failure to raise the discovery issue during trial.
3. Whether trial counsel was ineffective for failing to seek a continuance, obtain an expert, or request other relief in response to the medical examiner's trial testimony.
4. Whether the trial court improperly used Williams's first-offender pleas to sentence him as a recidivist under OCGA § 17-10-7 (c).

HOLDINGS

1. A first-offender plea is not a conviction and may not be used to impeach a witness on general credibility grounds, but the plea record may be admissible to impeach by contradiction and disprove or contradict testimony that would mislead the jury. Any possible error in admitting Williams's plea record was harmless here.
2. A defendant who fails to assert an alleged discovery violation during trial waives the claim because the trial court was deprived of the opportunity to evaluate the violation and fashion an appropriate remedy; the claim is not subject to plain-error review on these facts.
3. Williams failed to establish ineffective assistance because counsel's performance was not objectively unreasonable and Williams failed to show a reasonable probability of a different result.
4. A first-offender plea is not a conviction under Georgia's Criminal Code and cannot be used as a conviction to impose recidivist sentencing under OCGA § 17-10-7 (c).

KEY QUOTATIONS

"A first offender's guilty plea does not constitute a 'conviction' as that term is defined in the Criminal Code of Georgia." (831)

"It does not follow, as Williams seems to suggest, that a first offender plea is never admissible as impeachment evidence." (832)

"Accordingly, this claim is waived, id., and is not subject to plain error review, see Durham v. State, 292 Ga. 239 (2) (734 SE2d 377) (2012)." (833)

"First offender pleas are not a 'conviction' as understood in the Criminal Code and, therefore, cannot be used as a conviction for recidivist sentencing purposes." (835)

FACTUAL BACKGROUND

Williams and Decarla Lomax had a longstanding, tumultuous romantic relationship marked by threats and assaults. After an argument at Lomax's mobile home, Williams testified that he strangled her and struck her

approximately four times with a hammer; he then fled in her vehicle and told family members that he had accidentally killed her. Lomax died from blunt-force trauma to the head, and the murder weapon was never recovered.

PROCEDURAL HISTORY

A Cobb County grand jury indicted Williams in July 2012 for malice murder, felony murder, aggravated assault, aggravated battery, and armed robbery. After a November 2012 jury trial, he was convicted of all charges except armed robbery and was sentenced as a recidivist to life without parole for malice murder. The trial court denied his amended motion for new trial in March 2016. The Supreme Court of Georgia affirmed the convictions, vacated the sentence, and remanded for resentencing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate the sentence and remand for resentencing. On remand, the trial court may consider sentencing Williams under OCGA § 17-10-7 (a).

CASES CITED

- Jackson v. Virginia, 443 U.S. 307 (1979)
- Young v. State, 297 Ga. 737 (2) (778 SE2d 162) (2015)
- Davis v. State, 269 Ga. 276 (496 SE2d 699) (1998)
- Carruth v. State, 290 Ga. 342 (5) (721 SE2d 80) (2012)
- Scruggs v. State, 253 Ga. App. 136 (558 SE2d 731) (2001)
- Howell v. State, 330 Ga. App. 668 (1) (b) (769 SE2d 98) (2015)
- Krebsbach v. State, 209 Ga. App. 474 (1) (433 SE2d 649) (1993)
- Williams v. State, 171 Ga. App. 927 (2) (321 SE2d 423) (1984)
- Garrett v. State, 285 Ga. App. 282 (1) (645 SE2d 718) (2007)
- Durham v. State, 292 Ga. 239 (2) (734 SE2d 377) (2012)
- Heywood v. State, 292 Ga. 771 (4) (b) (743 SE2d 12) (2013)
- Moss v. State, 275 Ga. 96 (7) (561 SE2d 382) (2002)
- Terry v. State, 284 Ga. 119 (2) (663 SE2d 704) (2008)
- Romer v. State, 293 Ga. 339 (3) (745 SE2d 637) (2013)
- Harrington v. Richter, 562 U.S. 86, 104 (2011)
- Strickland v. Washington, 466 U.S. 668 (1984)
- Brown v. State, 288 Ga. 902 (708 SE2d 294) (2011)
- Arnold v. State, 292 Ga. 268 (2) (737 SE2d 98) (2013)
- Rector v. State, 285 Ga. 714 (6) (681 SE2d 157) (2009)

- White v. State, 293 Ga. 635 (2) (748 SE2d 888) (2013)
- Davis v. State, 273 Ga. 14 (537 SE2d 663) (2000)

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